

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

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BABY DOE, A CITIZEN OF AFGHANISTAN :
CURRENTLY RESIDING IN NORTH :
CAROLINA, BY AND THROUGH NEXT : CIVIL ACTION NO. 3:22-CV-49
FRIENDS, JOHN AND JANE DOE;AND JOHN :
AND JANE DOE, CITIZENS OF AFGHANISTAN: :
AND LEGAL GUARDIANS OF BABY DOE, :
:
Plaintiffs, :
:
v. :
:
JOSHUA MAST, STEPHANIE MAST, RICHARD :
MAST, KIMBERLEY MOTLEY, AND AHMAD :
OSMANI, :
:
Defendants, :
:
and :
:
UNITED STATES SECRETARY OF STATE :
ANTONY BLINKEN AND UNITED STATES :
SECRETARY OF DEFENSE GENERAL :
LLOYD AUSTIN, :
:
Nominal Defendants. :

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JOINT MOTION TO MODIFY PRETRIAL ORDER

Plaintiffs Baby Doe, John Doe and Jane Doe, and Defendants Joshua Mast, Stephanie Mast, Richard Mast, Kimberley Motley, and Ahmad Osmani, by counsel, file this Joint Motion to Modify Pretrial Order (ECF No. 65) as requested below.

Under Rule 16(b) of the Federal Rules of Civil Procedure, the Court may modify a scheduling order for good cause. Here, good cause exists because the parties are expected to file

preliminary motions that are potentially dispositive of some or all of the causes of action and that, in any event, could significantly impact the scope and focus of discovery in this matter. Specifically, the undersigned defendants intend to file motions to dismiss that could impact all claims, and Plaintiffs anticipate filing a motion for partial summary judgment in relation to certain elements of their claims upon which they assert there are no material facts in dispute. Defendants' responses to the Amended Complaint (ECF No. 68) are due November 14, 2022. Plaintiffs anticipate filing their summary judgment motion on the same day.

The parties propose that, before they spend considerable time and expense in discovery, they be provided an opportunity to fully brief the anticipated motions and the Court be provided an opportunity to rule on them.

Accordingly, the parties respectfully request that the Court amend the Pretrial Order by moving the deadlines set forth in that order by 45 days after November 14. The new proposed deadlines would be:

<u>Event</u>	<u>Original Deadline</u>	<u>Revised Deadline</u>
Fed. R. Civ. P. 26(f) Conference	November 9, 2022	December 26, 2022
Initial Disclosures under Fed. R. Civ. P. 26(a)	November 25, 2022	January 9, 2023
Plaintiffs' Initial Expert Disclosures	January 9, 2023	February 23, 2023
Defendants' Initial Expert Disclosures	January 24, 2023	March 10, 2023
Deadline to Complete Discovery	90 days before trial date	90 days before trial date
Deadline to File Dispositive Motions	75 days before trial date	75 days before trial date
Deadline for Hearing Dispositive Motions	45 days before trial date	45 days before trial date

The parties, therefore, respectfully ask the Court for an order modifying the deadlines set forth in the Pretrial Order (ECF No. 65) in accordance with the schedule suggested herein. A proposed Amended Scheduling Order is attached hereto for the Court's consideration.

Dated: November 4, 2022

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of November 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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